DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Food and Drug Administration

d1705b

CERTIFIED - RETURN RECEIPT REQUESTED

Los Angeles District
1521 West Pico Boulevard
Los Angeles, California 90015-2486
Telephone: 213-252-7583

April 3,1998

WARNING LETTER

Corrie Vanderham
Partner
C & R Vanderham Dairy
4860 Wineville Ave.
Mira Loma, CA 91752

WL-27-8

Dear Mr. Vanderham:

An investigation at your dairy operation located at Mira Loma, California conducted by our investigators on March 5 & 6, 1998, confirmed that you offered animals for sale for slaughter as food in violation of Sections 402(a)(2)(D) and 402(a)(4) of the Federal Food, Drug, and Cosmetic Act, and that you may have caused animal drugs to become adulterated within the meaning of Section 501(a)(5).

On or about February 5, 1998, you sold a cow, identified with back tag number 93GM7962, for slaughter as human food at [redacted] USDA analysis of tissue samples collected from that animal identified the presence of penicillin in the kidney tissue at 0.28 parts per million (ppm). A tolerance of 0.05 ppm has been established for residues of penicillin in the edible tissues of cattle.

On or about October 6, 1997, you sold a cow, identified with premise tag number 33-02996-01 and back tag number 93GM9049, for slaughter as human food at [redacted] USDA analysis of tissue samples collected from that animal identified the presence of streptomycin in the kidney tissue at 3.70 ppm. A tolerance of 2.00 ppm has been established for residues of streptomycin in the edible tissues of cattle. The presence of these drugs in edible tissues from these animals causes the food to be adulterated.

Our investigation also found that you hold animals under conditions which are so inadequate that diseased animals and/or medicated animals bearing potentially harmful drug residues are likely to enter the food supply. For example, you lack an adequate system for assuring that drugs are used in a manner not contrary to the directions contained in the labeling; and for assuring that animals medicated by you have been withheld from slaughter for appropriate periods of time to permit depletion of potentially hazardous

residues of drugs from edible tissues. Foods from animals held under such conditions are adulterated.

The above is not intended to be an all-inclusive list of violations. As a producer of animals offered for use as food, you are responsible for assuring that your overall operation and the foods you distribute are in compliance with the law.

You should take prompt action to correct the above violations and to establish procedures to prevent their recurrence. Failure to do so may result in regulatory action without further notice such as seizure, and/or injunction.

It is not necessary for you to personally ship an adulterated animal in interstate commerce to be responsible for a violation of the Federal Food, Drug, and Cosmetic Act. The fact that you caused the adulteration of an animal that was sold and subsequently offered for sale to a slaughterhouse that ships in interstate commerce is sufficient to hold you responsible for a violation of the Act.

You should notify this office in writing within 15 working days of the steps you have taken to bring your firm into compliance with the law. Your response should include each step being taken that has been taken or will be taken to correct the violations and prevent their recurrence. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time frame within which the corrections will be completed.

Your written reply should be directed to:

Mary M. LoVetere
Compliance Officer
U. S. Food and Drug Administration
19900 MacArthur Boulevard, Suite 300
Irvine, CA 92612-2445

Sincerely,

Elaine C. Messa
District Director

cc: Steve Wong, Branch Chief
State of California
Department of Food and Agriculture
P.O. Box 942871
Sacramento, CA 94271-0001